UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,586	01/29/2004	Timo K. Miettinen	042933/272475	7420

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EXAMINER
PHUONG, DAI

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/767,586	MIETTINEN, TIMO K.
	Examiner	Art Unit
	Dai A. Phuong	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24,26 and 28* is/are rejected.

7)☒ Claim(s) *25,27 and 29* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 08/17/2006 has been entered.

Response to Amendment

2.   Applicant's arguments filed 08/17/2006 fully considered but they are not persuasive.

Claims 24-29 have been added in Response to Amendment file on 08/17/2006. Claims 1-29 are

currently pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-4, 9-12 and 17-20, 24, 26 and 28 are rejected under 35 U.S.C. 102(b) as being

anticipated by Fukuda (Pub. No: 20020116268).

Regarding claim 1, Fukuda discloses a terminal 12 for interacting with a service provider

15 for accessing a remote service (fig. 1, [0032] to [0036]), the terminal comprising: a controller

45 and/or 51 configure for actively operating an application, wherein the controller is configure

for receiving information from a RF transponder tag 11 and/or 16 or a device adapter to operate

as a RF transponder tag at least partially over an air interface (fig. 1 and fig. 2, [0032] to [0087]),

wherein the information includes information relating to a service type representing a service offered by the service provider (fig. 1 and fig. 2, [0032] to [0087]), wherein the controller 45 and/or 51 is configure for contacting the service provider 15, for accessing the service, and thereafter performing a predefined action based upon the information relating to the service type, the application actively operating on the terminal and a current state of the application when the controller receives the information, the controller being configured for performing different predefined actions for different states of the application (fig. 1 and fig. 2, [0032] to [0087]; see response).

Regarding claim 2, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses a terminal wherein the controller is configure for performing a predefined action by receiving data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 3, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses a terminal wherein the controller is configure for performing a predefined action by sending data to the service when the terminal is actively operating an application in a state of presenting data, the data sent to the service comprising the data present by the application (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 4, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses the terminal information relating to the service type includes a service locator representing a location of the service represented by the service type, and wherein the controller is configure for accessing the service based upon the service locator (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 24, Fukuda discloses all the limitations in claim 1. Further, Fukuda discloses the terminal wherein the controller is configured for alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or sending data when the controller receives the information (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 24.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 24.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 5-8, 13-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fukuda (Pub. No: 20020116268) in view of Miyaji (Pub. No: 20050125561).

Regarding claim 5, Fukuda discloses all the limitations in claim 1. However, Fukuda

does not disclose a terminal wherein the controller is further configure for selecting a signaling

tag before receiving information regarding the signaling tag, wherein the signaling tag comprises

a Radio Frequency Identification (RFID) transponder tag

In the same field of endeavor, Miyaji discloses a terminal according to claim 1, wherein

the controller is further configure for selecting a signaling tag before receiving information

regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency

Identification (RFID) transponder tag ([0043]. Obviously, the system includes the necessary

software, hardware, firmware or a combination thereof to accomplish the stated task or

functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the portable information terminal of Fukuda by specifically

including terminal wherein the controller is further configure for selecting a signaling tag before

receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio

Frequency Identification (RFID) transponder tag, as taught by Miyaji, the motivation being in

order to transmit the application to the plurality of communication devices via the local-area

communications network from the single communication device having received transmission of

the application.

Regarding claim 6, the combination of Fukuda and Miyaji disclose all the limitations in

claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is configure for sending

an interrogation signal to the RFID transponder tag, and wherein the controller is configure for receiving information from the RFID transponder tag in response to the interrogation signal (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 7, the combination of Fukuda and Miyaji disclose all the limitations in claim 5. Further, Fukuda discloses the terminal wherein the controller is configure for sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also configure for receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 8, the combination of Fukuda and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is configure for selecting a signaling tag by passing the terminal within a predefined distance of a signaling tag ([0047]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 7.

Response to Argument

7.   Applicant, on page 10 of his response, argues that neither Fukuda nor Miyaji teach or

suggest performing a predefined action based upon (a) information relating to the service type

(received from a R-F tag or a device adapted to operate as such), (b) an application actively

operating on the terminal, and (c) a current state of the application when the controller receives

the information the predefined action differing for different states of the application. Fukuda

does not teach or suggest, however, that the browser/home page viewing software has different

states, and that the state of the browser/home page viewing software when the RFID tag supplies

its information determines the predefined action to be performed. That is, Fukuda does not teach

or suggest performing a predefined action based upon the current state of the browser/home page

viewing software when the signal processor (or information terminal) receives information from

the RFID tag, or that the predefined action differs for different states of the browser/home page

viewing software, similar to the claimed invention. In fact, Fukuda does not teach or suggest that

any action performed by the signal processor (or information terminal) differs from one instance

to the next, much less based upon different states of an application being actively operated by the

signal processor (or information terminal). However, the Examiner disagrees. Fukuda discloses

a portable information terminal 12 is a small, portable type information terminal. Besides having

a function to access the Internet 14, this portable information terminal 12 contains a browser for

viewing home pages uploaded by the Internet server. A reader 17 constituting the RF-ID system

is installed in this portable information terminal 12. This reader 17 operates by a radio

communication method using microwaves, and reads out (scans) the information (URL, detailed

advertisement information and advertisement identification number) stored in the tag 16 attached

to the advertisement 11. The user instructs the reader 17 to transmit the microwave signal to the

tag 16 installed in the advertisement 11. Next, the receiver 43 of the reader 17 receives by way

of the antenna 41 and duplexer 42, the high frequency signal sent from the tag 16, and supplies

this received signal to the communications control section 45. In operating state, the

communications control section 45 of the portable information terminal 12 extracts the URL,

detailed advertising information and advertising identification number from the received signal,

and transfers this information to the signal processor 51 in the main unit 18. When the above

information such as the URL is transferred, the signal processor 51 stores these in the URL

memory storage 57. Next, in a current state of the application, the signal processor 51, along

with starting up the browser software for viewing the home page, connects to the Internet 14

after via the mobile communications network 13. The signal processor 51 accesses the server 15

shown in the URL sent from the tag 16 after searching for it on the Internet 14. During the

current state of the application, the signal processor 51 uploads the user information stored in the

user information memory 56 and also the advertisement identification number stored in the URL

memory storage 57 when the signal processor 51 accesses the server 15. In different states of the

application, the signal processor 51 then downloads the home page from the server 15 that was

accessed. The user can then refer to the display section on the home page downloaded by using

the home page viewing software of the portable information terminal 12 54 (the controller 51

being configured for performing different predefined actions). The signal processor 51 may also

display the detailed advertising information to the user by using the download software. On the

other hand, the controller 51 being configured for performing different predefined actions for

different states of the application. The applicant's attention is directed to the disclosure of the reference Fukuda, in Figure. 1 and Figure. 2, from paragraph 0065 to paragraph 0083.

In response, during patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550- 51 (CCPA 1969). The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). See MPEP 2111.

Reasons Subject Matter

8.   Claims 25, 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 25, 27 and 29, the prior art record does not disclose nor fairly suggest the terminal wherein *the first predefined action comprises receiving data from the service into the actively operating application, and the second predefined action comprises sending data presented by the actively operating application to the service.*

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 08/26/2006

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PRIMARY EXAMINER